

**EXHIBIT D**

**EXHIBIT D**

**Becker, Andreas**

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**From:** Becker, Andreas  
**Sent:** Tuesday, December 19, 2017 4:38 PM  
**To:** 'Eliass and Kristi Stavrinides'; 'Kristi Stavrinides'  
**Cc:** 'Ron Cupp'; Fink, David; Rossi, Carla  
**Subject:** RE: Elias Stavrinides, et al. v. Vin Di Bona, et al., Case No. 3:17-cv-05742-WHO -- Rule 26(f) Conference

**Categories:** Copy QuickFiled

Dear Mr. and Mrs. Stavrinides:

This email confirms the substance of our conversations that took place this afternoon. We spoke with the two of you on separate phone calls. Mr. Cupp was a party to both of those calls. If I have misstated any aspects of those telephone calls below, please let me know:

- Our first call was with Mr. Stavrinides and Mr. Cupp. We reiterated our belief that the document attached to Mr. Cupp's email to me this afternoon did not satisfy the parties' Rule 26(f) meet and confer obligations. We attempted to substantively meet and confer with you, including to discuss the topics identified in the N.D. Cal. Standing Order for All Judges. However, that discussion was cut short. You indicated that you did not wish to substantively discuss each point on the Standing Order, but instead, repeated your request that we merely attach a copy of the document from Mr. Cupp's email to a joint CMC statement.
- A few minutes thereafter, we spoke with Mrs. Stavrinides and Mr. Cupp. Mrs. Stavrinides confirmed that she had reviewed the document attached to Mr. Cupp's email to me, and that she consented to it being included as part of a joint CMC statement.

We have agreed, albeit reluctantly, to include that document in a joint CMC statement, and to prepare and file that statement on behalf of the parties. We maintain that the parties have an obligation to meet and confer in good faith under Rule 26, and that we attempted on numerous occasions to substantively meet and confer with you.

We will circulate a joint CMC statement once it has been prepared. It will need to be signed by both Mr. and Mrs. Stavrinides.

We reserve all rights.

Thank you,  
Andreas

**ANDREAS BECKER**

Associate

**Kelley Drye & Warren LLP**

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**From:** Becker, Andreas  
**Sent:** Tuesday, December 19, 2017 2:51 PM

**To:** 'Ron Cupp' <ronc2009@gmail.com>; 'Eliass and Kristi Stavrinides' <punchdrunk76@gmail.com>; 'Kristi Stavrinides' <kstavrinides@aol.com>

**Cc:** Fink, David <DFink@KelleyDrye.com>; Rossi, Carla <CRossi@KelleyDrye.com>

**Subject:** RE: Elias Stavrinides, et al. v. Vin Di Bona, et al., Case No. 3:17-cv-05742-WHO -- Rule 26(f) Conference

Mr. Cupp:

Respectfully, the parties have an obligation to meet and confer pursuant to Rule 26(f), and to discuss those issues raised in the Standing Order for All Judges in the Northern District of California.

We have attempted to comply with the obligations under Rule 26, including trying on several occasions to reach you and the Plaintiffs. Yesterday, in an email, we asked Mr. and Mrs. Stavrinides to identify a time in which they were available for a meet and confer call today. We did not hear from them. Instead, you responded to my email, and said that you would provide us with a time, by this morning, when the parties could speak telephonically this afternoon. Instead of providing that information, you instead called me out of the blue at 1:38 p.m., without either Plaintiff on the line. I informed you that David Fink, the lead attorney on the case, would be returning shortly and that we would return your call. Then, when we called you, nobody answered and we left you a voicemail. Your below email followed. We have since left you a second voicemail, with no return call.

Your email does not satisfy Rule 26. We continue to make ourselves available to speak to Plaintiffs. Since they are not represented by counsel, we need to speak to both Mr. and Mrs. Stavrinides. Please let us know when they are available for a call today to meet and confer.

Please copy Mr. Fink on all correspondence.

Thank you,  
Andreas

## ANDREAS BECKER

Associate

**Kelley Drye & Warren LLP**

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**From:** Ron Cupp [<mailto:ronc2009@gmail.com>]

**Sent:** Tuesday, December 19, 2017 2:10 PM

**To:** Becker, Andreas <[ABecker@KelleyDrye.com](mailto:ABecker@KelleyDrye.com)>; 'Eliass and Kristi Stavrinides' <[punchdrunk76@gmail.com](mailto:punchdrunk76@gmail.com)>; 'Kristi Stavrinides' <[kstavrinides@aol.com](mailto:kstavrinides@aol.com)>

**Subject:** RE: Elias Stavrinides, et al. v. Vin Di Bona, et al., Case No. 3:17-cv-05742-WHO -- Rule 26(f) Conference

Please insert our position and items in the joint CMC statement and send me final copy. Please file for both of us.  
Thank you

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**From:** Becker, Andreas [<mailto:ABecker@KelleyDrye.com>]

**Sent:** Monday, December 18, 2017 6:22 PM

**To:** 'Punchdrunk76@gmail.com'; 'kstavrinides@aol.com'

**Cc:** 'ronc2009@gmail.com'; Fink, David; Rossi, Carla

**Subject:** Elias Stavrinides, et al. v. Vin Di Bona, et al., Case No. 3:17-cv-05742-WHO -- Rule 26(f) Conference

Dear Mr. and Mrs. Stavrinides:

As you know, we are counsel for Defendants Vin Di Bona and Cara Communications Corporation in the matter *Elias Stavrinides, et al. v. Vin Di Bona, et al.*, Case No. 3:17-cv-05742-WHO (N.D. Cal.). The Court previously set a Case Management Conference for January 9, 2018 (Dkt No. 9) and, in accordance with Federal Rule of Civil Procedure 26(f)(1), the Parties are obligated to confer at least 21 days before that scheduling conference – i.e., by tomorrow. For your convenience, we attach a copy of the Standing Order for All Judges in the Northern District of California, which outlines the topics to be discussed by the parties.

Please let us know your availability for a call tomorrow. We are available at your convenience after 1:30 p.m. tomorrow.

We look forward to speaking with you.

Best,  
Andreas

**ANDREAS BECKER**

Associate

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